FOR THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON DIVISION

Timothy W. Eddington,	Civil Action No. 8:05-01778-RBH-BHH
Plaintiff,)	CIVII / CUOTI NO. 0.00 01770 TABIT BITT
vs.	REPORT OF MAGISTRATE JUDGE
Associate Warden Blackmon, FNU Hair, NFN Steen, FNU Byrne, Associate Warden Cohen, Associate Warden Pate, Major Hugh, Major Walker, NFN Johnson, Defendants.	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On November 23, 2005, the defendants filed a motion to dismiss. On November 28, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on January 5, 2006, giving the plaintiff through January 30, 2006, to file his response to the motion to dismiss. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond. By order filed March 13, 2006, the plaintiff was given fifteen additional days in which to respond to the motion. He still has not filed a response to the motion.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution

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pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/Bruce H. Hendricks United States Magistrate Judge

April 28, 2006 Greenville, South Carolina